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Jury Gets Spy Case of Ex-U.S. Agent

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LOS ANGELES, June 13 — A Federal district judge today instructed the jury in the espionage trial of a former agent of the Federal Bureau of Investigation, Richard W. Miller. The jury will begin its deliberations Monday.

In a time full of espionage cases, that of Mr. Miller, a 49-year-old former counterintelligence agent in the bureau's Los Angeles office, has been one of the strangest. Mr. Miller, who was dismissed by the bureau shortly before his arrest a year and a half ago, was the first bureau agent ever charged with espionage.

Mr. Miller is accused of conspiring with a Russian émigré who was his lover, Svetlana Ogorodnikov, to pass classified documents to the Soviet Union in return for a promise of \$85,000 in cash and gold.

Could Face Life Sentence

The current trial is his second on the charges. A jury deadlocked in a trial that ended last November. He could be sentenced to life in prison if convicted.

The Government has identified only one document, "Reporting Guidance: Foreign Intelligence Information," that it contends Mr. Miller supplied to the Soviet intelligence agency, the K.G.B. The document could have given Soviet agents detailed information on the needs and requirements of the bureau's counterintelligence effort, according to the F.B.I.

Bureau agents testified that a copy of the document was found in a search of a small house where Mr. Miller sometimes stayed.

The Government's prosecutors, United States Attorney Robert C. Bonner and assistant United States Attorney Russell Hayman, have indicated

that they believe Mr. Miller actually supplied half a dozen documents to Mrs. Ogorodnikov.

Relationship Admitted

Mr. Miller, while acknowledging that he had a sexual relationship with Mrs. Ogorodnikov, denied that he passed any documents to her. He contended he was using Mrs. Ogorodnikov in an effort to infiltrate the K.G.B.

Joel Levine and Stanley Greenberg, Mr. Miller's lawyers, have also disputed that the counterintelligence document had such great significance to the United States.

There have been bitter confrontations between the opposing lawyers. Today Judge David V. Kenyon, who has heard both trials, cited Mr. Greenberg for contempt of court and fined him \$500 for angrily interrupting Mr. Bonner in the prosecutor's closing statement.

Mr. Miller, a 20-year-veteran of the bureau, was arrested Oct. 2, 1984 at home in San Diego County where he lived with his wife and eight children. At the same time, a team of bureau agents arrived at a West Hollywood apartment building where they arrested Mrs. Ogorodnikov, now 36 years old, who was known in the Soviet community of Los Angeles for her activities in the screening of Russian-made films, and her husband, Nikolay, a meatpacker at a sausage company. Testimony by other Russian immigrants here indicated that the couple had a reputation of being disgruntled with life in America and that they were suspected by their compatriots of informing on them to the K.G.B.

The Ogorodnikovs pleaded guilty a year ago to espionage charges in a plea-bargain agreement with the Government. Mrs. Ogorodnikov was sentenced to 18 years in prison and Mr.

Ogorodnikov was sentenced to eight years. Later, however, both disavowed their guilty pleas.

Mrs. Ogorodnikov was called by the Government as a witness against Mr. Miller, at which time she tearfully proclaimed her innocence and that of Mr. Miller. In the course of three tumultuous weeks on the witness stand, Mrs. Ogorodnikov, speaking through an interpreter, said that she had considered herself working for the bureau in her dealings with Mr. Miller, and that she had admitted to espionage only because of her conviction that no American jury would believe the truth from a Russian accused of spying.

It was brought out by the prosecutors, however, that Mrs. Ogorodnikov, in talks with lawyers and the judge in the effort to reach an acceptable plea bargain, had asserted that Mr. Miller had indeed passed classified information to her. Confronted with that in front of the jury, Mrs. Ogorodnikov recanted that admission.

Mr. Miller, a man whose 250 pounds exceeded the bureau's guidelines and whose eccentric behavior kept him in frequent trouble with his bureau superiors, said he was trying to salvage a mediocre career through his unorthodox attempt to infiltrate the K.G.B.

Mr. Levine, one of the defense lawyers, told the jury to think of Mr. Miller's scheme as like those of the movie characters played by Clint Eastwood and Eddie Murphy, underdogs who save the day while breaking every rule of convention.

More than 100 witnesses have testified since the trial opened with jury selection on Feb. 13. Mr. Miller, who has presented a pleasant composure at the witness table and more than once smiled cordially at Mrs. Ogorodnikov, was not called to testify.